

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

FIRST APPEAL NO. 403 OF 1991

The State of Maharashtra ... Appellant

Vs.

Shri. Nathu Padu Shelke & Ors. Respondents

Mr. K.K. Tated, A.G.P. for State.

Mr. N.V. Walawalkar for Respondents.

CORAM : F.I. REBELLO &
ANOOP V. MOHTA, JJ.
DATED : AUGUST 30, 2004

P.C. :

1. The land is situated in Village Asudgaon. Notification under Section 4 was published on 3.2.1970. The award in respect of the suit premises was made on 7.2.1986. The possession of the land was taken on 17.2.1986. The acquired land is situated within 500 mtrs. from the Poona Bombay Highway.

2. Considering the judgement passed in First Appeal No. 757 of 2003 with Civil Application No. 514 of 2003 and First Appeal No. 1782/02 along with Civil Application No. 1078 of 2004, the market value of the land could be fixed at Rs.25/-

per sq. mtr. Respondent have filed no appeal.
 The State has challenged awarding of Rs.16/- per
 sq. mtr. In the light of that market value is
 fixed at Rs.16/- per sq. mtr. with all
 consequential benefits.

3. Considering that the award under Section 11 was
 made after 28.4.1982, the claimant will be entitled
 to compensation Under Section 23(1A) of the Act.

4. In the light of the above, the following order
 :

. First appeal No. 403 of 1991 accordingly
 disposed of. No order as to costs.

(F.I. REBELLO,J.)

(ANOOP V. MOHTA,J.)